

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>MICHELLE IMHOF,</b>	)	<b>CASE NO. 5:24CV1579</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>vs.</b>	)	
	)	
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	<b><u>ORDER OF REMAND</u></b>
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, J.:**

On March 18, 2025, the Magistrate Judge issued a Report and Recommendation (ECF DKT #11) noting that the Administrative Law Judge (“ALJ”) failed to discuss the supportability of the state agency reviewing psychologists’ opinions on Plaintiff’s medical evidence. With nothing in the record that the Court could construe as discussing supportability and since the Commissioner does not argue otherwise, the Magistrate Judge recommended remand. On March 20, 2025, the Acting Commissioner of Social Security responded that Defendant will not be filing objections to the Report and Recommended Decision. (ECF DKT #12).

Under sentence four of 42 U.S.C. § 405(g), the Court has authority to affirm, modify or reverse the Commissioner’s decision “with or without remanding the cause for rehearing.” *Melkonyan v. Sullivan*, 501 U.S. 89, 99, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

The ALJ is obligated to evaluate Plaintiff’s disability claim under the required five-step sequential analysis to determine whether Plaintiff was under a disability and whether or not her application for Disability Insurance Benefits should be granted. The ALJ must develop the record as necessary and evaluate the evidence of record under the applicable legal criteria

mandated by the Commissioner's regulations and governing case law.

Here, the ALJ's failure to evaluate and articulate the supportability of the state agency reviewing psychologists' opinions was legal error. 20 C.F.R. § 404.1520c(b)(2). Therefore, the Court adopts the Magistrate Judge's Report and Recommendation and orders the captioned matter remanded to the Commissioner for further consideration under sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

**DATE: March 28, 2025**

s/Christopher A. Boyko  
**CHRISTOPHER A. BOYKO**  
**United States District Judge**